



IT IS ORDERED as set forth below:

Date: September 3, 2019

James R. Sacca
U.S. Bankruptcy Court Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:) **CHAPTER 13**
HOWARD ANTHONY KING) **CASE NUMBER A17-55046-JRS**
DEBTOR)

**CONSENT ORDER ON TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO
PROVIDE TAX RETURNS OR REFUNDS**

On August 20, 2019 at 10:00 a.m., the Court held a hearing on the Trustee's Motion to Dismiss based upon the Debtor's failure to remit tax return or tax refund to the Chapter 13 Trustee. It further appears to the Court that the Debtor through counsel, agreed at the call of the Court's calendar to a consent agreement. For cause shown, **IT IS HEREBY**

ORDERED, that the Debtor shall remit their Federal Income tax return or proof of an Income Tax Extension to the Trustee by May 15th of each calendar year for the remaining years the case is pending. If an extension is provided then the Debtor must provide the actual return to the Trustee by the extension deadline to be in compliance with the terms of this Order.

Additionally, unless further Court order allows retention, the Debtor shall pay any tax refund for the years of the Debtor's Applicable Commitment Period or any other agreed upon years to the Trustee by May 15th of each calendar year. If the Debtor fails to provide either the tax refund or tax return to the Trustee by May 15th or the date of the granted extension then the case shall be dismissed without further hearing upon receipt of the Chapter 13 Trustee's Supplemental Status Report requesting an Order of Dismissal. The Debtor may also submit notice to the Trustee that they are not required to file Federal Income Tax Returns or notice to the Trustee if the anticipated refund has not been received by the Debtor by the May 15th due date. Prior to recommending dismissal the Trustee shall contact the Debtor's attorney via email to alert them of the default at least 10 business days prior to recommending dismissal by supplemental report. Additionally, a letter will be sent to the Debtor each calendar year requesting a copy of the tax return.

IT IS FURTHER ORDERED, that, based on the Debtor's expenditure of his 2018 tax refund of \$3,832.00, the additional funds remitted via the Debtor's employer of \$3,135.00 shall be applied as a tax refund with a resulting increase of Debtor's plan base.

The Clerk of the Court is directed to serve this Order on the parties included in the attached distribution list.

END OF DOCUMENT

CONSENTED TO BY:

_____/s/_____
Maria C. Joyner,
Attorney for Chapter 13 Trustee
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_____/s/_____
Talitha Fleming,
Attorney for Debtor
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*Signed by Maria C. Joyner
with express permission*

DISTRIBUTION LIST

Case No.: A17-55046-JRS

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Conyers, GA 30012

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Chapter 13 Trustee:

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